

**State of Colorado
Department of State**

ELECTIONS DIVISION



Mike Coffman
SECRETARY OF STATE
December 3, 2007

ELECTION WATCH LIST:

REPORT ON SATISFACTION OF REQUIREMENTS BY PUEBLO COUNTY

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Background

December 28, 2006 – Audit Findings Issued

On December 28, 2006, former Secretary of State Gigi Dennis issued the “2006: General Election: Findings of the Pueblo County General Election Audit”. The report was issued after the Colorado Department of State (“State”) received numerous complaints associated with the 2006 General Election in Pueblo County and a written report was received from State Observer Barbara J. Pasco.

The report cited violations of state law for failure to conduct signature verification on all absentee ballots received. The report also made recommendations to incoming clerk Gilbert Ortiz on how to prevent such violations in the future.

March 12, 2007 – Election Watch List Placement

On March 12, 2007, Secretary of State Mike Coffman placed Pueblo County on the newly implemented Election Watch List for failure to comply with state law during the 2006 General Election. As part of the program, Pueblo County was mandated to create an alternative means of storing voter signatures electronically for utilization prior to the implementation of the statewide voter registration system to allow for signature verification in accordance with state law.

Signature Verification Preparation

April 26, 2007 – Conference Call

On April 26, 2007, State representatives Wayne Munster and Stephanie Cegielski participated in a conference call with Pueblo County Clerk and Recorder Gilbert Ortiz and county elections staff members.

Pueblo County stated that they had acquired the necessary equipment to capture signatures and store them electronically in a database. They had yet to scan signatures since they were still waiting on State and Saber to provide the technical specifications to ensure that the scanned images would be compatible with the statewide voter registration system. Additionally, the Pueblo County staff had been gathering documentation containing voter signatures in preparation for the start of scanning.

June 4, 2007 – Meeting with Pueblo County Clerk and Recorder

While attending training for the clerks in Steamboat Springs, CO, Munster and Cegielski met with Ortiz to discuss the progress made by the county in scanning signatures. Ortiz indicated that his staff was scanning signatures and making significant progress in capturing the necessary data.

The November 2007 election was also discussed. Ortiz indicated that he had not yet decided whether Pueblo County would be conducting a polling place or a mail ballot election, but indicated that he was leaning toward a mail ballot election to allow for practice of signature verification by the election judges.

September 28, 2007 – Approval of Data Migration Timeline

On August 31, 2007, Trevor Timmons, Chief Information Officer for the State, provided Ortiz with a proposed timeline regarding data migration to Saber; this timeline was formally approved by State, Saber and Ortiz on September 28, 2007. The timeline, as stated by Timmons in an e-mail to Ortiz, is as follows:

- Pueblo will continue to scan documents through the Saber-provided software application. You indicated you're making good progress on this;
- You'll [Pueblo] aim to complete scanning of historical documents by the end of September;
- The last day to register for this fall's election is October 9th. You'll continue to data-enter these registrations into your current system (Sequoia/RISC) and also scan the documents using the scanning application;
- Saber would like to collect the fresh set of data and the images scanned by Thursday the 11th or Friday the 12th. That will let them get started on Monday the 15th to process the data, and then you can use the signature verification application.

October 9, 2007 – Meeting with Pueblo Officials

State representatives Munster and Cegielski met with Ortiz and County Attorney Dan Kogovsek to discuss the November 6, 2007 election and the status of capturing signatures electronically.

Ortiz indicated that he had arranged for eight (8) election judges, four (4) Democrats and four (4) Republicans, to be paired at four (4) computers to conduct signature verification on all returned ballots. State law only requires one (1) election judge to verify the signature on the self-affirmation on the envelope to the signature on file with the County Clerk and Recorder; and only if there appears to be a discrepancy does the signature get further verified by two (2) election judges of different political affiliations.¹ However, Ortiz opted to go above the requirements set forth in law and require that two (2) election

¹ § 1-7.5-107.3, C.R.S.

judges of different political affiliation do the initial verification in an effort to ensure integrity in the process.

The final data migration of scanned signatures to Saber was scheduled for October 12, 2007, the day after the close of voter registration. Pueblo County indicated that they would not rely solely on the information provided by Saber, rather they would have their county system with scanned signatures running parallel in the event of a problem.

Munster, Cegielski and Ortiz toured the elections warehouse where the ballots would be stored and processed upon return. Ortiz explained the setup of the facility and requested suggestions for improvement. State representatives requested minor changes to ensure proper security.

October 19, 2007 – Meeting with Clerk and Recorder

Secretary Coffman met separately with the Pueblo County Republican Party Chair, David Dill, and the Pueblo County Democratic Party Vice-Chair, Terry Hart, to discuss concerns regarding the upcoming November election as well as the progress Ortiz had made in capturing signatures for use during ensuing elections.

Once again, State representatives Munster and Cegielski met with Ortiz and were this time joined by Secretary Coffman. Ortiz discussed the progress his staff had made with capturing signatures electronically and the data that had been provided to Saber. The four also toured the elections warehouse too allow State representatives an opportunity to see that all requested changes had been made.

The same afternoon, Secretary Coffman, Munster, Cegielski and Ortiz appeared before the Pueblo Chieftain Editorial Board to discuss the progress made by Ortiz and to explain the Mail Ballot process.

October 22, 2007 – Notification of Missing Signatures in Saber Database

Ortiz notified State representatives that the database provided by Saber appeared to be missing approximately 25,000 signatures. Puneet Agrawal of Saber was notified and began inquiring as to the discrepancy. Agrawal was able to confirm that Saber had received 46,463 images from Pueblo County and was able to process 45,936 (98.8%) of the images.

Saber and Ortiz devised a plan to migrate the remaining signatures for use in the signature verification process. Saber created a new SFTP access account for the county to upload all captured images. Once the images were uploaded, Saber would re-migrate all the signatures and apply them to the database. The process was successfully completed, with 70,186 images received and processed.

October 23, 2007 – Meeting with Clerk and Recorder and Pueblo County Republican Chair

State representatives Munster and Cegielski met with Ortiz and Pueblo County Republican Chair Dave Dill to discuss concerns associated with the conduct of the election. The invitation to meet was also extended to the Pueblo County Democratic Party, but no one from the organization attended.

Ortiz provided a tour of the election warehouse as well as an opportunity to observe the signature verification process. Additionally, Ortiz showed attendees the locations available for ballot drop-off; the logs being maintained to track individuals dropping off more than five (5) ballots²; and the affidavit voters were asked to sign when dropping off their ballot³.

November 2, 2007 – Meeting with Clerk and Recorder and Pueblo County Republican Chair and Vice-Chair

Ortiz, Munster, Cegielski, Dill and Sean McCarthy, Vice-Chair of the Pueblo County Republican Party, met to discuss observations of the watchers during the previous week.

The two concerns expressed by McCarthy were maintaining secrecy when the ballot was being transferred from the person opening the envelope to the person unfolding the ballot and access to the tally room to watch. Ortiz noted that he had the same secrecy concern and had already amended the process to ensure that secrecy was maintained; he further addressed the lack of space within the tally room and agreed to make sure that a watcher would have space in the event they wished to observe the tallying of the ballots.

2007 Coordinated Election

November 8, 2007 – Status Update

Upon request from the State, Ortiz reported to Cegielski that 27,134 ballots had been counted. Of the counted ballots, 9,447 signatures could not be found in the signature database; county staff proceeded to look up signatures in pollbooks from previous elections and were able to verify 7,343 of the missing signatures. The county then sent a letter to 2,010 of the remaining voters requesting them to sign an affidavit, and allow for electronic capturing of the signature.

November 16, 2007 – Final Update

Ortiz reported the total votes counted for the 2007 Coordinated Election to be 27,179, a 48.33% turnout. Of the signatures not in the database, the county was able to obtain a valid signature for comparison on all but 120 of the signatures (equal to 0.4% of the total

² Ortiz offered to make the logs available to any person who requested a copy.

³ The affidavit served as another method to capture voter signatures to be scanned into the electronic database.

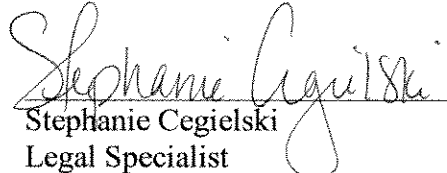
ballots counted). Pursuant to the advice of county attorney Dan Kogovsek, those 120 ballots were counted. Furthermore, 40 of the 27,179 ballots were not counted due to signature discrepancy and no response from the voter.

Recommendation


Pueblo County Clerk and Recorder Gilbert Ortiz took office in January 2007 knowing the challenges ahead of him. He worked openly and cooperatively with this office to ensure that the November 2007 election, and all subsequent elections held in Pueblo County, was conducted within the confines of state law and as transparent as possible to place trust in the voters of the county.

After successfully conducting the November 2007 election and completing the required signature verification, it is recommended that Pueblo County be removed from Election Watch List.

RESPECTFULLY SUBMITTED this 3rd Day of December, 2007.


Stephanie Cegielski
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Office of the Secretary of State

APPROVED:


Mike Coffman
Colorado Secretary of State

Date: December 3, 2007